

Joel T. Marker (4372)  
**McKAY, BURTON & THURMAN**  
Attorneys for Joel T. Marker, Trustee  
170 South Main Street, Suite 800  
Salt Lake City, UT 84101  
Telephone: (801) 521-4135  
Fax: (801) 521-4252  
Email: joel@mbt-law.com

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re: : Bankruptcy No. 04-30824 WTT  
SHELBY ELIZABETH NICHOLS, : Chapter 7  
Debtor. :  

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**DECLARATION CONCERNING NONOPPOSITION TO  
TRUSTEE'S MOTION TO REOPEN CASE**

The Trustee's Motion to Reopen Case, dated October 7, 2009, and the Notice of Hearing on Trustee's Motion to Reopen Case, also dated October 7, 2009, were filed with the Court on October 7, 2009 and served on all parties in interest on October 8, 2009. The Notice of Hearing provided notice to parties in interest that in the absence of an objection filed no later than October 26, 2009, the hearing scheduled for November 5, 2009 at 1:30 p.m. would be stricken and an order approving the motion would be entered without a hearing.

No objection to the motion has been timely filed and the Court may enter an order approving the motion and strike the hearing.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 30<sup>th</sup> day of October, 2009.

**McKAY, BURTON & THURMAN**

By: \_\_\_\_\_ /S/  
Joel T. Marker  
Attorneys for Joel T. Marker, Trustee